

# Wetlands Bureau Decision Report

Decisions Taken  
03/14/2011 to 03/20/2011

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**2009-02783                      MOORES, ROBERT & WENDY**  
**ALTON   Lake Winnepesaukee**

### Requested Action:

Applicant requests tha tpermit be amended to allow the installation of a 15 ft x 30 ft seasonal canopy over the lakeward slip.

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### Conservation Commission/Staff Comments:

Con Com submitted comments stating all structures should be removed

### APPROVE AMENDMENT:

Amend permit to read: Permanently remove an existing non-conforming breakwater and docking system and fill 980 sq ft to construct 70 linear ft of breakwater, in an "dogleg" configuration, with a 10 ft gap at the shoreline, and a 4 ft x 30 ft cantilevered pier accessed by a 4 ft x 33 ft walkway, with a 4 ft x 30 ft piling supported dock in an "F" configuration, with a permanent piling supported boatlift and a 15 ft x 30 ft seasonal canopy in the lakeward slip, on an average of 100 ft of frontage on Lake Winnepesaukee, in Alton.

### With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction revision dated March 18, 2010, as received by the Department on March 23, 2010 and amendment plans by Winnepesaukee Marine Construction revision dated December 17, 2010, as received by the Department on December 17, 2010.
2. This permit shall not be effective until it has been recorded with the Belknap County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. The existing breakwater material shall be used as material for the new proposed breakwater.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. No portion of the breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
9. The breakwater shall not exceed 3 feet in height(Elev. 507.32) over the normal high water line(Elev. 504.32).
10. The width as measured at the top of the breakwater(Elev. 507.32) shall not exceed 3 feet.
11. Rocks may not remain stockpiled on the frontage for a period longer than 60 days.
12. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
13. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
14. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
15. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
16. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

### With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.07, Breakwaters.
3. The applicant has an average of 100 feet of frontage along Lake Winnepesaukee, in Alton.
4. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A and therefore meets Rule Wt 402.13.
6. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of lake Winnepesaukee, as identified under RSA 482-A:1.

-Send to Governor and Executive Council-

**2010-03201                      NH FISH & GAME DEPARTMENT**  
**ORFORD   Unnamed Stream Connecticut River**

Requested Action:

Excavate 18 cubic yards from 128 sq ft of bank and 43 cubic yards from 358 of river bed to upgrade an existing boat launch by constructing a 12 ft x 55 ft concrete boat ramp with 23 linear feet of retaining wall along the upstream edge, on the Connecticut River, in Orford.

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Conservation Commission/Staff Comments:

No comments from Con Com by Jan 03, 2011

APPROVE PERMIT:

Excavate 18 cubic yards from 128 sq ft of bank and 43 cubic yards from 358 of river bed to upgrade an existing boat launch by constructing a 12 ft x 55 ft concrete boat ramp with 23 linear feet of retaining wall along the upstream edge, on the Connecticut River, in Orford.

With Conditions:

1. All work shall be in accordance with plans by Fay Spofford and Thorndike dated February 28, 2011, as received by the NH Department of Environmental Services (DES) on March 02, 2011.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Work shall be done during low flow.
5. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into the Connecticut River.
6. There shall be no cutting of trees or removal of any stumps from the bank except for the area within which construction of the ramp will take place.
7. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
8. The boat ramp shall be utilized indefinitely as a public access to Connecticut River and shall not change in use.
9. All dredged or excavated material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. No work may be conducted under this permit until a New Hampshire Shoreland impact Permit has been obtained.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(g), removal of more than 20 cubic yards of material from public waters.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the lacustrine resource, as identified under RSA 482-A:1.

-Send to Governor and Executive Council-

## MINOR IMPACT PROJECT

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**2007-03006                      NH DEPT OF TRANSPORTATION**  
**SPRINGFIELD   Kidder Brook**

### Requested Action:

Amend permit to eliminate the skewing of the proposed upsized culvert replacement to an upsized culvert replacement in the same location and reducing impacts.

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### Conservation Commission/Staff Comments:

Cons. Comm. - no comment

### APPROVE AMENDMENT:

Amend permit to: Replace a 60" x 34 ft. metal culvert with an 83 in. x 57 in. x 42 ft. corrugated metal squash pipe with new headers impacting 882 sq. ft. (642 sq. ft. temporary) of riverine wetlands. NHDOT project #M214-14.

### With Conditions:

1. All work shall be in accordance with plans by NHDOT District 2 revised 12/22/10 as received by the Department on Jan. 5, 2011.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Construction equipment shall not be located within surface waters.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
10. Work shall be during low flow.
11. The applicant shall coordinate construction with the DES Watershed Management Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), alteration of less than 200 linear feet of stream and banks.
2. The amendment is a result of landowner concerns and the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The DES Watershed Bureau requested coordination with their Clean Lakes program during construction.

**2009-02235 RORISTON/BIRD, ROBERT/SARAH**  
**TUFTONBORO Lake Winnepesaukee**

Requested Action:

New owner requests permit be transferred from Charles Jacobs to Robert Roriston and Sarah Bird and then be amended to include 12 linear ft of wall repair.

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Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE AMENDMENT:

Amend permit to read: Dredge 16 cubic yards from 515 sq ft of previously dredged lakebed and dredge one rock in front of an existing 38 ft x 38 ft dug in boathouse, and repair 12 linear ft of retaining wall on an average of 196 ft of frontage on Lake Winnepesaukee, Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design and Construction Management dated August 31, 2009, as received by DES on September 21, 2009 and revisions and a detail sheet by Watermark Marine Construction dated December 20, 2010 received February 15, 2011.
2. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. All dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other materials from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

**2010-02935 MORGAN, ULTIMA**  
**BELMONT Lake Winnisquam**

Requested Action:

Amend permit to cite plans with corrected cross section dimensions.

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Conservation Commission/Staff Comments:

Con Com signed Exp application

**APPROVE AMENDMENT:**

Permanently remove fill placed lakeward of full lake elevation, construct a 20 ft x 13 ft perched beach with less than 10 cubic yards of sand behind full lake elevation, replace 3 ft wide steps, and repair an existing 4 ft x 47 ft 10 in seasonal dock connected to a 2 ft x 27 in 8 inch seasonal dock by a 10 ft 2 inch x 8 ft seasonal walkway on an average of 210 ft of frontage on Lake Winnisquam, in Belmont.

With Conditions:

Amend Conditions to read:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants revision dated February 21, 2011, as received by the NH Department of Environmental Services (DES) on February 22, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. The dock repairs shall maintain the size, location and configuration of the pre-existing structures.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 482.35). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
11. The steps installed for access to the water shall be located completely landward of the normal high water line.
12. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
13. This permit shall be used only once, and does not allow for annual beach replenishment.
14. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
15. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
16. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has an average of 210 feet of shoreline frontage along Lake Winnisquam.
4. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

Requested Action:

Repair an existing 16 ft x 13 ft 3 in dock supported by a 14 ft x 12 ft crib, accessed by a 2 ft 8 in x 29 ft 3 in crib supported dock and excavate 272 sq ft along 20 linear ft of shoreline to construct a 18 ft x 13 ft perched beach with less than 10 cubic yards of sand, on an average of 186 ft of frontage on Lake Winnepesaukee, in Tuftonboro.

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Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Repair an existing 16 ft x 13 ft 3 in dock supported by a 14 ft x 12 ft crib, accessed by a 2 ft 8 in x 29 ft 3 in crib supported dock and excavate 272 sq ft along 20 linear ft of shoreline to construct a 18 ft x 13 ft perched beach with less than 10 cubic yards of sand, on an average of 186 ft of frontage on Lake Winnepesaukee, in Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group and Construction Management revision dated March 14, 2011, as received by the NH Department of Environmental Services (DES) on March 16, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. The repairs shall maintain the size, location and configuration of the pre-existing structures.
5. Only those rocks currently on site which have fallen or been dislodged from the structure shall be used for crib repair.
6. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2011-00330 LYME, TOWN OF**  
**LYME Hewes Brook**

Requested Action:

Impact 1,130 square feet of Hewes Brook, a perennial stream, to repair two 72" culverts. Impacts included 360 square feet for the invert paving of the culverts, 70 square feet for refacing the culvert headwalls, and 700 square feet of temporary jurisdictional stream impacts for water diversion during construction.

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#### APPROVE PERMIT:

Impact 1,130 square feet of Hewes Brook, a perennial stream, to repair two 72" culverts. Impacts included 360 square feet for the invert paving of the culverts, 70 square feet for refacing the culvert headwalls, and 700 square feet of temporary jurisdictional stream impacts for water diversion during construction.

#### With Conditions:

1. All work shall be in accordance with plans by Eckman Engineering, LLC entitled Proposed Culvert Rehabilitation Goose Pond Road Over Hewes Brook Site 2 (WIP-1; C-1; D-1; D-2; D-3) dated December 22, 2010 as received by DES on February 09, 2011.
2. Work shall be done during low flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
6. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
10. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
11. Temporary cofferdams shall be entirely removed immediately following construction.
12. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
13. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
14. No equipment shall enter the water.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
17. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
18. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
20. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
21. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
22. Additional requests to dredge and/or fill in this area for repairs, replacement or road upgrades resulting from erosion or washouts shall not be considered or approved until a complete drainage analysis and assessment has been conducted by the applicant to determine if there is a more effective and practicable crossing design.

#### With Findings:

1. This project is classified as a minor project per Rule Env-Wt 303.03 (l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. Several Town of Lyme

employees and residents gave testimony stating that they have never known this section of road to flood or have Hewes Brook over flow on to the roadway.

4. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
5. The proposed project is for minimal repairs to an existing crossing and it would not be practicable at this time to replace the structure.

## MINIMUM IMPACT PROJECT

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**2010-01038                      KNIGHT, BRADFORD**  
**MONT VERNON    Unnamed Wetland**

### Requested Action:

Retain 120 square feet of impact within the bed and banks of an perennial stream to replace two (2) failed culverts beneath an existing woods road with two (2) 24-inch HDPE culverts associated with the improvement of the woods road and installation of headwalls.

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### Conservation Commission/Staff Comments:

The Mont Vernon Conservation Commission did not comment on the application.

### APPROVE AFTER THE FACT:

Retain 120 square feet of impact within the bed and banks of an perennial stream to replace two (2) failed culverts beneath an existing woods road with two (2) 24-inch HDPE culverts associated with the improvement of the woods road and installation of headwalls.

### With Conditions:

1. All work shall be in accordance with plans by Promised Land Survey, LLC received by the NH Department of Environmental Services (DES) on January 31, 2011.
2. This After-the-Fact Approval shall not be effective until it has been recorded with the Hillsborough County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Any change in land use will require further permitting by the DES Wetlands Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

### With Findings:

1. Bradford A. Knight is the owner of real property located at 60 Tater Street, Mont Vernon, NH, more specifically referenced on Town of Mont Vernon Tax Map 8 as Lot 1 (the "Property").
2. On April 20, 2010, DES received a written complaint from the Mont Vernon Conservation Commission alleging an area on the Property had been filled and a culvert had been installed within wetland on the Property.
3. DES received a Standard Dredge and Fill Application requesting to retain the alleged impacts on April 23, 2010 (the "Application").
4. On April 29, 2010, DES issued a "Notice of Incomplete Standard Dredge and Fill Application" to Knight. This letter itemized several items needed to complete the Application.
5. DES personnel inspected the property on June 10, 2010. The purpose of the inspection was to determine compliance with RSA 482-A and NH Code Admin. Rules Env-Wt 100 et seq. DES documented the existing conditions on the Property during the inspection and noted the illegal impacts within wetlands.
6. DES issued a "Notice of Administrative Completeness" on June 29, 2010 as DES received the requested items of the "Notice of Incomplete Standard Dredge and Fill Application".
7. On September 9, 2010, DES issued a "Request for More information" (RFMI) to Knight via electronic mail identifying many deficiencies in the Application. In accordance with RSA 482-A:3, XIV(a)(2), this information must be submitted to DES no later

than November 8, 2010.

8. On October 22, 2010, Knight requested an extension to submit the items of the RFMI. Pursuant to RSA 482-A:3 XIV(c)(3),DES subsequently approved the extension request; therefore, all items of the RFMI must be submitted no later than December 25, 2010.

9. On December 22, 2010 Knight requested another extension request to submit the items of the RFMI. Pursuant to RSA 482-A:3 XIV(c)(3),DES subsequently approved the extension request; therefore, all items of the RFMI must be submitted no later than February 21, 2011.

10. On February 11, 2011, DES received all the requested information to satisfy the RFMI.

11. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet,.

12. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 13. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

14. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

15. A memo dated 6/11/2010 from the NH Natural Heritage Bureau (NHB) identified a State threatened vertebrate species in the vicinity of the project: Pied-billed Grebe (*Podilymbus podiceps*).

16. In an email dated February 11, 2011, NH Fish and Game, Nongame and Endangered Species Program, requested, in summary, a condition on the permit stating that the crossing be re-evaluated with an updated NHB review and conform to the stream rules if any development occurs in the future.

## FORESTRY NOTIFICATION

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**2010-03293                      WHITEMORE, GAYLE**  
**CENTER BARNSTEAD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Ctr Barnstead Tax Map 5, Lot# 26

**2011-00488                      WEAD, EVELYN**  
**EPSOM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Epsom Tax Map R2, Lot# 52

**2011-00503                      RECOR, ROBERT & DORIS**  
**HANOVER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Hanover Tax Map 11, Lot# 5

## EXPEDITED MINIMUM

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**2007-00367                      LAAKSO, JOHN**  
**BARRINGTON   Unnamed Wetland**

Requested Action:

Approve name change to: John Laakso, 74 Long Hill Rd, Dover, NH 03820 per request received 3/15/2011. Previous owner Donald/Debra Marcotte.

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Conservation Commission/Staff Comments:

Con. Com. signed the expedited application.

APPROVE NAME CHANGE:

Amend original permit to fill a total of 2,231 sq. ft. of wetland in three locations to widen an existing private roadway and construct a shared driveway to serve a four (4) residential lot subdivision on 7.02 acres with the following change: eliminate widening of the existing private roadway and fill a total of 2,289 sq. ft. in two locations to construct two shared driveways to serve a four (4) residential lot subdivision on 7.02 acres.

With Conditions:

1. All work shall be in accordance with revised plans by Berry Surveying and Engineering dated July 23, 2007, as received by the Department on July 30, 2007.
2. Work within surface waters shall be done in the dry or during low flow.
3. Construction equipment shall not be located within surface waters.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

**2011-00361                      THE NATURE CONSERVANCY**  
**NEWMARKET   Lamprey River**

Requested Action:

Cover two proximal 200' x 200' areas of estuarine bottom in the mouth of the Lamprey River with clean, dry surf clam/ oyster shell mix to restore historic shellfish reef.

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APPROVE PERMIT:

Cover two proximal 200' x 200' areas of estuarine bottom in the mouth of the Lamprey River with clean, dry surf clam/ oyster shell mix to restore historic shellfish reef.

With Conditions:

1. All work shall be in accordance with plans by the Nature Conservancy dated 1/28/2011, as received by DES on 2/15/2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. The permittee shall communicate with DES yearly for the life of the permit as to the status of the project's success.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(t), restoration of degraded wetlands, and meets the criteria specified Env-Wt 303.04(t)(1)-(4).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. This project proposes to restore a historic oyster reef area, much of which has been lost to siltation.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The proposal was developed by a coordination of the Nature Conservancy and UNH for oyster bed restoration, and is being funded by NH Fish and Game, PREP and NOAA.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. Although there were species of concern reported for the project vicinity the NH Natural Heritage Bureau does not expect the species to be impacted by the project.
5. The Newmarket Conservation Commission signed the expedited application.

**2011-00366                      WARD, KRYSTIN**  
**NEWMARKET    Lamprey River**

Requested Action:

Cover 21,800 square feet of estuarine bottom in the mouth of the Lamprey River with clean, dry surf clam/ oyster shell mix to restore historic shellfish reef.

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APPROVE PERMIT:

Cover 21,800 square feet of estuarine bottom in the mouth of the Lamprey River with clean, dry surf clam/ oyster shell mix to restore historic shellfish reef.

With Conditions:

1. All work shall be in accordance with plans by the Nature Conservancy dated 1/28/2011, as received by DES on 2/15/2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. The permittee shall communicate with DES yearly for the life of the permit as to the status of the project's success.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(t), restoration of degraded wetlands, and meets the criteria specified Env-Wt 303.04(t)(1)-(4).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. This project proposes to restore a historic oyster reef area, much of which has been lost to siltation.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The proposal was developed by a coordination of the Nature Conservancy and UNH for oyster bed restoration, and is being funded by NH Fish and Game, PREP and NOAA.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. Although there were species of concern reported for the project vicinity the NH Natural Heritage Bureau does not expect the species to be impacted by the project.
5. The Newmarket Conservation Commission signed the expedited application.

**2011-00378                      GILLIS, CYNTHIA**  
**LACONIA   Lake Winnepesaukee**

**Requested Action:**

Permanently remove an non-conforming deck and docking structure and install a 4 ft x 34 ft seasonal dock connected to a 4 ft x 6 ft concrete pad poured over the bank, with a seasonal PWC lift in the southern slip, and 3 ft x 5 ft seasonal stairs from the dock to the waterbody on 50 ft of leased frontage on Lake Winnepesaukee, 12 Laconia.

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**Conservation Commission/Staff Comments:**

Con Com signed Exp Application

**APPROVE PERMIT:**

Permanently remove an non-conforming deck and docking structure and install a 4 ft x 34 ft seasonal dock connected to a 4 ft x 6 ft concrete pad poured over the bank, with a seasonal PWC lift in the southern slip, and 3 ft x 5 ft seasonal stairs from the dock to the waterbody on 50 ft of leased frontage on Lake Winnepesaukee, in Laconia.

**With Conditions:**

1. All work shall be in accordance with plans by Docks Unlimited, as received by the NH Department of Environmental Services (DES) on February 16, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit shall not be effective until it meets the conditions and criteria listed in the lease from NH DOT.
4. This permit is valid only while the applicant maintains a valid lease with NH DOT Bureau of Rails for the leased frontage.
5. This shall be the only structure on this water frontage and all portions of the docking structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
6. The seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 34 feet from the shoreline at full lake elevation.
8. Seasonal PWC lifts shall be removed for the non-boating season.
9. The concrete pad shall be constructed over the bank with no excavation of the bank.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), installation of a seasonal dock.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 50 feet of leased shoreline frontage along Lake Winnepesaukee.
5. The Department approves the waiver request of Env-Wt 402.12 to allow for a dock longer than 24 feet in length.
6. The abutter signed a letter agreeing to allow the docking structure to be located within the abutter 20 foot setback.

**2011-00401                      ROMAN CATHOLIC BISHOP OF MANCHESTER**  
**EPPING   Unnamed Wetland**

**Requested Action:**

Dredge and fill 345 square feet of a wetlands ditch to install a 15" x 45' culvert for construction of a driveway crossing for a single residential building lot.

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**APPROVE PERMIT:**

Dredge and fill 345 square feet of a wetlands ditch to install a 15" x 45' culvert for construction of a driveway crossing for a single residential building lot.

**With Conditions:**

1. All work shall be in accordance with plans by TFM dated 2/17/2011, as received by the NH Department of Environmental Services (DES) on 2/22/2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert to access a single family building lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Epping Conservation signed the minimum impact expedited application.

**2011-00423                      CITY OF PORTSMOUTH DPW  
PORTSMOUTH   Unnamed Wetland**

**Requested Action:**

Replace failed 36" roadway culvert with twin 24" x 90' culverts impact 900 square feet of wetlands.

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**APPROVE PERMIT:**

Replace failed 36" roadway culvert with twin 24" x 90' culverts impact 900 square feet of wetlands.

**With Conditions:**

1. All work shall be in accordance with plans by Portsmouth Department of Public Works dated 2/16/2011, as received by the NH Department of Environmental Services (DES) on 2/28/2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), repair of an existing structure such as a culvert.

The change in dimension from a single 36" culvert to twin 24" culverts will improve flow while not exceeding the intent of the rule.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing culvert is partially collapsed.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The culvert connects drainage between two large wetlands, and the replacement will improve equalization flow.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Heritage Bureau occurring in the project area.
5. The Portsmouth Conservation Commission signed the minimum impact expedited application.

**2011-00453                      BERGERON, LOUIS/FLORRIE**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Repair "in kind" an existing 70 linear feet of breakwater in a "L" configuration with a 69 linear foot cantilevered dock with two, 3 ft x 28 ft crib supported finger docks and a 3 ft x 16 ft finger dock, providing 3 slips on an average of 110 ft of shoreline frontage, Lake Winnepesaukee, Moultonborough.

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Conservation Commission/Staff Comments:

Con Com did not sign Exp Application

APPROVE PERMIT:

Repair "in kind" an existing 70 linear feet of breakwater in a "L" configuration with a 69 linear foot cantilevered dock with two, 3 ft x 28 ft crib supported finger docks and a 3 ft x 16 ft finger dock, providing 3 slips on an average of 110 ft of shoreline frontage, Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group and Construction Management dated February 18, 2011, as received by the NH Department of Environmental Services (DES) on March 07, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2011-00458                      APPALACHIAN MTN CLUB**  
**MEREDITH   Lake Winnepesaukee**

Requested Action:

Repair "in kind" an existing 6 ft x 32 ft 2 in dock with a 14 ft 7 in x 10 ft dock lakeward, supported by two 6 ft x 6 ft cribs, on a major docking system on Lake Winnepesaukee, Meredith.

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Conservation Commission/Staff Comments:

Con Com signed Exp application

APPROVE PERMIT:

Repair "in kind" an existing 6 ft x 32 ft 2 in dock with a 14 ft 7 in x 10 ft dock lakeward, supported by two 6 ft x 6 ft cribs, on a major docking system on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans dated December 21, 2010, as received by the NH Department of Environmental Services (DES) on March 07, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**GOLD DREDGE**

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**2011-00499                      SHUMWAY, STEVEN**  
**(ALL TOWNS)   Unnamed Stream**

**2011-00502                      DENLEY, GEOFF**  
**(ALL TOWNS)   Unnamed Stream**

**2011-00504                      HORTON, DANIEL**  
**(ALL TOWNS)   Unnamed Stream**

**2011-00506                      HARRIS, CHRISTOPHER**  
**(ALL TOWNS)   Unnamed Stream**

**2011-00528                      DEARBORN, DENNIS**  
**(ALL TOWNS)   Unnamed Stream**

**2011-00529                      DEARBORN, VIRGINIA**  
**(ALL TOWNS)   Unnamed Stream**

**LAKES-SEASONAL DOCK NOTIF**

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**2011-00534                      NEWCOMB, ROBERT**  
**MOULTONBOROUGH   Lake Winnepesaukee**

COMPLETE NOTIFICATION:  
Moultonboro Tax Map 251, Lot# 11 Lake Winnepesaukee

**PERMIT BY NOTIFICATION**

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**2011-00507                      SCHOENBAUER FAMILY TRUST, CAROLYN SCHOENBAUER**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Installation of a seasonal dock.

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Conservation Commission/Staff Comments:

Con Con signed PBN form

PBN IS COMPLETE:

Installation of a seasonal dock.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), installation of a seasonal dock.

**CSPA PERMIT**

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**2011-00436                      WINCHESTER LEARNING CENTER**  
**WINCHESTER   Ashuelot River**

Requested Action:

Add an addition to an existing commercial building on an existing developed lot.

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APPROVE PERMIT:

Add an addition to an existing commercial building on an existing developed lot.

With Conditions:

1. All work shall be in accordance with plans by Brickstone Land Use Consultants, LLC dated December 22, 2010 and received by the NH Department of Environmental Services (DES) on March 2, 2011.
2. No more than 27% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Area within the woodland buffer has been completely altered and shall not be required to replant, RSA 483-B:9(b)(2)(A)(i).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-00451                      PSNH**  
**LITCHFIELD   Merrimack River**

Requested Action:

Impact 18,380 sq ft for equipment access in order to install five power line poles adjacent to the Merrimack River.

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**APPROVE PERMIT:**

Impact 18,380 sq ft for equipment access in order to install five power line poles adjacent to the Merrimack River.

**With Conditions:**

1. All work shall be in accordance with plans by GZA Geo Environmental, Inc. dated February 1, 2011 and received by the NH Department of Environmental Services (DES) on March 4, 2011.
2. No more than 1,765 sq ft of additional area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Area shall be regraded to original contours following completion of work.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-00469                      ENFIELD, TOWN OF**  
**ENFIELD   Mascoma River**

**Requested Action:**

Impact 36,735 sq ft in order to install utilities, manholes, and sewer pump station.

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**APPROVE PERMIT:**

Impact 36,735 sq ft in order to install utilities, manholes, and sewer pump station.

**With Conditions:**

1. All work shall be in accordance with plans by CLD Consulting Engineering dated February 1, 2011 and received by the NH Department of Environmental Services (DES) on March 7, 2011.
2. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
3. Area shall be regraded to original contours following completion of work.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-00470                      BEATTIE, KATHLEEN/PHILIP**  
**ALTON   Sunset Lake**

Requested Action:

Impact 12,343 sq ft in order to remove existing structures and construct a new house with garage, driveway and leachfield.

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APPROVE PERMIT:

Impact 12,343 sq ft in order to remove existing structures and construct a new house with garage, driveway and leachfield.

With Conditions:

1. All work shall be in accordance with plans by Steven J. Smith & Assoc., Inc. dated November 12, 2010 and received by the NH Department of Environmental Services (DES) on March 7, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 12.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 9,503 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-00477                      AITCHISON, JAMES/STEPHANIE**  
**WOLFEBORO   Crescent Lake**

Requested Action:

Impact 6,558 sq ft in order to construct a residence with an attached garage and decks.

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APPROVE PERMIT:

Impact 6,558 sq ft in order to construct a residence with an attached garage and decks.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates dated February 18, 2011 and received by the NH Department of Environmental Services (DES) on March 9, 2011.
2. No more than 20% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 4,395 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with

applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-00484                      TURNQUIST, ERIC**  
**MOULTONBOROUGH   Ash Cove**

Requested Action:

Impact 1,800 sq ft in order to remove section of roof and build a second floor.

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APPROVE PERMIT:

Impact 1,800 sq ft in order to remove section of roof and build a second floor.

With Conditions:

1. All work shall be in accordance with plans by Silver Lake Construction, LLC dated March 1, 2011 and received by the NH Department of Environmental Services (DES) on March 10, 2011.
2. No more than 6.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 37,144 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

## CSPA PERMIT W/WAIVER

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**2009-00013                      NADEAU, J**  
**PORTSMOUTH   Sagamore Creek**

Requested Action:

AMENDMENT DESCRIPTION: Amend permit to alter footprints of proposed dwelling units and install a new septic system.

Impact 89,720 sq ft for the purpose of redeveloping an existing lot including construction of new residential units and parking areas, installing stormwater measures and restoring regions within the waterfront buffer.

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**APPROVE AMENDMENT:**

**AMENDMENT DESCRIPTION:** Amend permit to alter footprints of proposed dwelling units and install a new septic system.

Impact 89,720 sq ft for the purpose of redeveloping an existing lot including construction of new residential units and parking areas, installing stormwater measures and restoring regions within the waterfront buffer.

**WAIVER APPROVED:** RSA 483-B:9, V(g)(1) is waived to allow the expansion of a primary structure on a lot within the protected shoreland that exceeds 30% impervious surface coverage.

**With Conditions:**

1. All work shall be in accordance with revised plans by MSC Civil Engineers & Land Surveyors, Inc., last revised February 16, 2011 and received by the Department of Environmental Services ("DES") on February 22, 2011 and a planting plan received by DES on February 4, 2010.
2. This approval includes a waiver of RSA 483-B:9, V(g)(1) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. This permit is contingent upon receiving all necessary approval from the NH Subsurface Systems Bureau and installing the proposed septic system.
4. No more than 36.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. This permit is contingent upon receiving a wetlands permit for impacts within the jurisdiction established under RSA 482-A and receiving all necessary local approvals from the municipality.
6. This permit is contingent upon receiving approval as required per RSA 485-A:17, from the Alteration of Terrain Program.
7. The proposed stormwater management plan shall be installed and maintained to effectively intercept, infiltrate and treat stormwater.
8. All pervious technologies shall be designed, installed, and maintained to effectively absorb and infiltrate stormwater.
9. Upon completion of the proposed project, the approved planting plan will be implemented and monitored to ensure that each restored area within the waterfront buffer shall have 100% successful establishment of native vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional buffer is replicated in a manner satisfactory to the DES Wetlands Bureau.
10. The project as proposed will leave approximately 7,008 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
12. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
13. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
14. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
15. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
16. Any fill used shall be clean sand, gravel, rock, or other suitable material.
17. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. Silt fencing must be removed once the area is stabilized.
20. The existing septic system shall pose no future threat to public waters.

**With Findings:**

1. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to Sagamore Creek and, therefore, fails to conform to the impervious surface limitations set forth in RSA 483-B:9, V (g)(1), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to reduce the impervious area within the protected shoreland by 30,190 sq ft.
4. The applicant has proposed to install stormwater controls consisting of drywells.
5. The applicant has proposed to install pervious technologies to better intercept and infiltrate stormwater.
6. The applicant has proposed to restore 6,679 sq ft of the waterfront buffer with native vegetation.
7. The applicant has proposed to install a new state approved septic system.
8. The applicant has proposed to install stormwater controls, significantly reduce the overall impervious area within the protected shoreland, enhance the waterfront buffer with natural, native vegetation, install a new septic system, and therefore, meets the requirements for a waiver of RSA 483-B:9, V(g)(1) as described in RSA 483-B: 11, I.

**2011-00374                      CORMIER, MARK/MELANIE**  
**NEW DURHAM   Merrymeeting Lake**

**Requested Action:**

Impact 7,548 sq ft for the purpose of constructing a new residential dwelling and associated accessory structures and installing a new septic system and stormwater controls.

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**APPROVE PERMIT:**

Impact 7,548 sq ft for the purpose of constructing a new residential dwelling and associated accessory structures and installing a new septic system and stormwater controls.

**WAIVER APPROVED:** RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

**With Conditions:**

1. All work shall be in accordance with plans by Peter Cooperdock of Fernsone Associates, dated February 1, 2011, and received by the Department of Environmental Services ("DES") on February 16, 2011.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 17.0% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau and installing the proposed septic system.
5. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
6. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
7. No impacts to natural ground cover shall occur within the waterfront buffer except that necessary for installation of the proposed well and removal of the concrete pad.
8. All areas temporarily disturbed within the waterfront buffer shall be replanted with native, riparian vegetation.
9. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
10. In order to remain compliant with RSA 483-B:9, V, b),(2), the 3,391 sq ft of unaltered area between 50 ft and 150 ft of the reference line, as delineated on plans received by DES must remain in an unaltered state.
11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
12. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

13. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
14. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
15. Any fill used shall be clean sand, gravel, rock, or other suitable material.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Merrymeeting Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to decrease the impervious area within the protected shoreland by 2,702 sq ft.
4. The applicant has proposed to install stormwater controls consisting of an infiltration trench around the perimeter of the proposed structure.
5. The applicant has proposed to reduce the driveway grade and convert it from gravel to a pervious technology.
6. The applicant has proposed to remove impervious area from the waterfront buffer and replace it with native vegetation.
7. The applicant has proposed to achieve a 2 foot greater setback from the reference line.
8. The applicant has proposed to install a new state approved septic system.
9. The applicant has proposed to install stormwater controls, install a new septic system reduce the total amount of impervious surface coverage within the protected shoreland, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.